

**November 22, 2002**

TO: OHR Division Directors

FROM: Director, Division of Employee Services and Benefits, OHR

SUBJECT: Closure of NIH Facilities

The following provides emergency closure or dismissal procedures for NIH employees in the Washington, D.C. area (including employees telecommuting from an alternative worksite) in the event of inclement weather or other emergency conditions. Information regarding reasonable accommodation for employees with disabilities is also provided.

If a weather-related or other emergency arises before the workday begins, the Office of Personnel Management (OPM) will provide an announcement regarding the operating status of the Federal Government to the media as early as possible. As soon as the status is determined, it will also be posted on OPM's web site at <http://www.opm.gov/> and a recorded message will be provided by OPM's Office of Communications on 202-606-1900.

The announcements which will be used by OPM are: (a) Federal agencies are OPEN; (b) Federal agencies are open and operating under an UNSCHEDULED LEAVE policy; (c) Federal agencies are open and operating under a DELAYED ARRIVAL policy; (d) Federal agencies are open and operating under a DELAYED ARRIVAL/UNSCHEDULED LEAVE policy; and (e) Federal agencies are CLOSED. A list of these announcements and their meanings is provided as *Attachment A*. Employees are responsible for checking their local radio and television stations for one of the media announcements and/or contacting OPM via their web site or telephone number.

If during the workday severe weather conditions or other emergencies arise, OPM may authorize an early dismissal policy and the release of employees will be guided by their normal departure from work. Employees, as in the past, are **not** to rely on media announcements for early dismissal. If it becomes necessary to dismiss employees during the workday, the Office of Human Resources (OHR) will notify you of the decision as soon as possible.

Emergency employees are not affected by the above procedures. They are expected to report to work on time in the event of an unscheduled leave, delayed arrival or closure announcement. If they are already at work when notification of an early dismissal is received, they are to remain at work through the end of their tour. Employees are designated as emergency employees if they provide services that are vital to public health, safety, or welfare; national defense; or the operation of essential facilities. These employees receive annual notification of their emergency status.

OPM assures us that they encourage and will follow a policy of allowing more general use of unscheduled leave so that employees who truly find it impossible or unsafe to make it to work or who arrive late can use annual leave, previously earned compensatory time or credit hours, or leave without pay, while the essential functions of the Government continue with the employees who are able to make it to work. However, on those days that OPM does not declare an unscheduled leave policy because conditions generally are not bad, supervisors are encouraged to be sensitive to the fact that localized weather and road conditions may preclude some employees from safely commuting to work and to grant unscheduled annual leave, available compensatory time or credit hours, or leave without pay to such workers. Additionally, if it is announced that the Federal Government is open but some employees are unavoidably delayed in arriving for work, supervisors may grant a reasonable (based on distance, mode, and availability of transportation, and success of other employees in similar situations) amount of excused absence.

HHS Instruction 610-3 provides additional information regarding closure due to inclement weather and the temporary closing of buildings for other emergency situations. If you or your staff has questions regarding the above, please contact Shirley Flottum on (301) 402-7599 or via e-mail at [flottums@od.nih.gov](mailto:flottums@od.nih.gov).

Reasonable accommodation should also be provided during inclement weather and other emergencies for employees with disabilities. Each IC should work with its employees to establish new agreements or reevaluate existing agreements. Those agreements must include the following:

1. Name of the organization;
2. Name of the employee;
3. Name of the supervisor;
4. Name of the disability or medical condition;
5. Employee's assessment of impact of weather or other emergency;
6. Identification of accommodation; and
7. Certification of discussion and agreement of accommodation by dated signature of both the employee and supervisor.

Further guidance regarding reasonable accommodation as it relates to inclement weather is provided as **Attachment B**. Any questions regarding reasonable accommodation should be directed to Malca Giblin on (301) 402-8140 or via e-mail at [giblinm@od.nih.gov](mailto:giblinm@od.nih.gov).

/s/  
Howard R. Chernoff

Attachments

## **EMERGENCIES BEFORE THE WORKDAY BEGINS**

OPM will provide one of the following five announcements to the media when an emergency occurs before the workday begins.

1. "Federal agencies in the Washington, DC, area are OPEN; employees are expected to report for work on time."

Means Federal agencies will open on time, and employees are expected to report for work as scheduled.

- b. "Federal agencies in the Washington, DC, area are OPEN under an UNSCHEDULED LEAVE policy."

Means Federal agencies will open on time, but employees not designated as "emergency employees" may take annual leave, previously earned compensatory time or credit hours, or leave without pay (LWOP) without the prior approval of their supervisors. NIH employees are expected to call, if possible, to resolve any doubt about their intentions to report for duty. Employees designated as "emergency employees" are expected to report for work on time.

- c. "Federal agencies in the Washington, DC, area are OPEN under a DELAYED ARRIVAL policy. Employees should plan to arrive for work no more than (\_\_\_\_) hours later than they would normally arrive."

Means Federal agencies will open on time, but non-emergency employees should plan their commutes so that they arrive for work no later than the number of hours designated in the announcement. Employees who arrive for work more than the number of hours designated will be charged leave for the additional period of absence from work. Employees designated as "emergency employees" are expected to report for work on time.

- d. "Federal agencies in the Washington, DC, area are OPEN under a DELAYED ARRIVAL/UNSCHEDULED LEAVE policy. Employees should plan to arrive for work no later than (\_\_\_\_) hours later than they would normally arrive, and employees who cannot report for work may take unscheduled leave."

Means Federal agencies will open on time, but non-emergency employees should plan their commutes so that they arrive for work no later than the number of hours designated in the announcement. Employees who arrive for work more than the number of hours designated will be charged leave for the additional period of absence from work. NIH employees are expected to call, if possible, to resolve any doubt about their intentions to report for duty. Employees designated as "emergency employees" are expected to report for work on time.

- e. "Federal agencies are CLOSED."

Means employees not designated as "emergency employees" are excused from duty without loss of pay or charge to leave. Employees on alternative work schedules (AWS) who are not scheduled to work on that day are **not** entitled to another AWS day off. Employees designated as "emergency employees" are expected to report for work on time.

### **EMERGENCIES DURING NORMAL WORK HOURS**

When an emergency situation occurs during normal work hours, OPM may announce that the Federal Government is operating under an "EARLY DISMISSAL" policy. This policy permits non-emergency employees to leave work early relative to their normal departure times. For example, if a 3-hour early dismissal is authorized by OPM as a result of hazardous weather conditions or other emergency, employees who would normally leave work at 5 p.m. would be authorized to leave at 2 p.m. Employees who must leave work earlier than their official dismissal time will be charged leave from the time of their departure through the remainder of their scheduled workday. Employees on pre-approved leave should be charged leave for the entire day. Employees designated as "emergency employees" who are already at work when notification of an "early dismissal" is received are to remain at work through the end of their tour.

## ***Attachment B***

### **FURTHER GUIDANCE REGARDING REASONABLE ACCOMMODATION FOR EMPLOYEES WITH DISABILITIES**

In emergency situations, supervisors should be aware that individuals with disabilities have specific needs. In order to avoid misunderstandings during these periods, supervisors and employees should meet beforehand and discuss the employee's needs under various circumstances.

Supervisors should note that the employee with a disability is usually the best judge of his or her needs. The employee may have different needs before, during, and after inclement weather, depending on environmental conditions both in the air and on the ground. For example, snow removal equipment may make travel by mobility-impaired individuals even more difficult by creating insurmountable snowdrifts at curb cuts. Individual employees, even those with the same disability, may have different needs. Further, an employee's needs may change, even under similar weather and environmental conditions. Even seemingly mild weather or environmental conditions could be hazardous to a person with a disability.

In case circumstances exist that are not covered by previously determined agreements, supervisors should rely heavily on the feelings of the employee with a disability and should be flexible when making decisions. There may be conditions or circumstances not related to weather that could adversely affect persons with disabilities. These include, but are not limited to, the need to be discharged early to provide sufficient time for the employee to be traveling well before others being discharged at the same time; public transportation emergencies; and police and safety emergencies. In these situations, administrative leave may be granted, at the discretion of the supervisor.

ICs are encouraged to offer their employees with disabilities the option of working at home during inclement weather or other emergencies. The supervisor may, at his/her discretion, allow an employee to work at his/her personal residence in accordance with the NIH Flexible Workplace Program (FWP) policies and procedures. Participation in the FWP requires a "standing" telework agreement. This arrangement could reduce the need for the employee to use his/her own accrued leave during times of inclement weather or transportation/safety emergencies. More detailed information about the FWP can be found at:

<http://www1.od.nih.gov/oma/manualchapters/person/2300-600-1/>